

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CATHOLIC SOCIAL SERVICES,
INC., - IMMIGRATION PROGRAM,
et al.,

NO. CIV.S-86-1343 LKK/JFM

Plaintiffs,

v.

O R D E R

JANET NAPOLITANO, SECRETARY
U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

On October 12, 2009, plaintiffs filed a motion for class-wide enforcement of the settlement agreement. This motion addressed two questions. First, plaintiffs argued that defendants' application of a 1991 regulation to the adjudication of legalization applications for class members violated the terms of the settlement. Second, plaintiffs also argued that defendants' violated the terms of the settlement agreement by failing to consider applications for class membership from applicants residing abroad. On December 14, 2009, this court granted plaintiffs' motion

1 as to their first argument. With respect to the second argument,
2 defendants stated for the first time at oral argument that they
3 were taking efforts to locate applicants residing abroad and reopen
4 their cases. Accordingly, the court ordered defendants to file an
5 affidavit describing these efforts, and to allow plaintiffs to file
6 objections to the affidavit.


7 Defendants filed their affidavit on January 8, 2010. The
8 parties then engaged in settlement discussions concerning the scope
9 and nature of relief necessary to remedy defendants' violation of
10 the settlement agreement. On March 12, 2010, plaintiffs filed
11 objections to the affidavit. On March 19, 2010, plaintiffs filed
12 a status report indicating that the parties were negotiating the
13 terms of the remedial plan. On April 6, 2010, plaintiffs filed an
14 additional status report indicating that negotiations were not
15 fruitful, and requesting the court to rule on plaintiffs' March 12,
16 2010 objections to defendants' initial proposed remedial plan. On
17 April 21, 2010, defendants filed a status report describing their
18 December 14, 2009 proposed remedial plan, which was not acceptable
19 to plaintiffs. This report modifies defendants' January 8, 2010
20 affidavit, to which plaintiffs' initial objections applied.
21 Plaintiffs have not filed a response to this report.

22 For the foregoing reasons, the court ORDERS plaintiffs to file
23 a response to defendants' report, Dkt. No. 693, within fourteen
24 (14) days of the issuance of this order. This response shall
25 indicate whether plaintiffs object or are unopposed to each of
26 defendants' proposals. As to all objections, plaintiffs are to

1 explain why they object and offer an alternative proposal.
2 Plaintiffs are requested to conform their response to the structure
3 of defendants' proposal to the extent doing so furthers clarity.
4 Upon receipt of plaintiffs' response, the court will determine
5 whether a hearing or further briefing is necessary.

6 IT IS SO ORDERED.

7 DATED: April 28, 2010.

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT
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